

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to:

Ashton, et al. v. al Qaeda Islamic Army, et al., 02-cv-6977 (GBD)(SN) (and member case
Burlingame v. Bin Laden, et al., 02-cv-7230 (GBD)(SN))
Ashton, et al. v. Kingdom of Saudi Arabia, 17-cv-02003 (GBD)(SN)
Schneider, et al. v. al Qaeda Islamic, 02-cv-7209 (GBD)(SN)

**DECLARATION OF JOHN F. SCHUTTY IN SUPPORT OF
THE *DIMINO* PLAINTIFFS' MOTION FOR AN AMENDED &
FINAL JUDGMENT AGAINST DEFENDANT ISLAMIC REPUBLIC OF IRAN**

JOHN F. SCHUTTY, ESQ., hereby states under penalty of perjury that:

1. I am an attorney representing a *Schneider* subset of *Ashton* Plaintiffs in the above-captioned litigation – Nancy Dimino, individually as spouse, and as Personal Representatives of the Estate of Stephen Dimino, deceased, and Sabrina Dimino, individually as surviving child of Stephen Dimino, deceased ("the *Dimino* Plaintiffs").

2. I submit this Declaration in support of the present motion to request a permissible supplement to prior "partial default judgments" awarding compensatory damages to the *Dimino* Plaintiffs against Iran -- to allow for final, supplemental final Judgment against the Islamic Republic of Iran ("Iran") on behalf of the *Dimino* Plaintiffs. In support of this application, and for the convenience of this Court, I am separately filing two "Proposed Order[s] of Partial Final Judgments Against Iran on Behalf of the *Dimino* Plaintiffs" (Exhibit B hereto) for the following:

a. Estate of Decedent Stephen Dimino (described within the accompanying economist report, attached hereto as Exhibit A);

3. The source of information and the basis for belief in the statements contained herein are my representation of the *Dimino* Plaintiffs listed in Exhibits A (the attached economist report)

and B (Proposed Orders), my work in connection with the September 11th terror attacks, my firm's files, my conversations with the widow of Stephen Dimino as well as other court records relating to the multi-district litigation to which these *Dimino* Plaintiffs are parties. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

4. Claims brought on behalf of the *Dimino* Plaintiffs were part of the original *Schneider* Complaint, styled *Schneider, et al. v. al Qaeda Islamic*, filed on September 10, 2002, and bearing civil action number 02-cv-7209.

5. Mr. Stephen Dimino was 48 years of age when he died in the September 11th terrorist attacks. He was survived by his wife, Nancy Dimino, and his daughter, Sabrina Dimino (the only "immediate family members" living with this decedent at the time of his death and his only surviving New York State designated "heirs," as set forth in Exhibit A). At the time of his death, Mr. Dimino was a partner and vice president of the money market instrument (MMI) department at Cantor Fitzgerald.

6. In connection with the filing of a claim to the September 11th Victim Compensation Fund on behalf of the Estate of Stephen Dimino, Ms. Nancy Dimino's prior attorneys obtained information and materials relevant to the calculation of economic loss attributable to Mr. Dimino's death as of the time his claim was submitted to the Victim Compensation Fund. That information was provided to Michael Keane, Professor of Economics at Yale University. Dr. Keane collected information relevant to the economic loss sustained by the Estate and prepared expert report calculations as to the present value of the Estate's economic damages. The report, which sets forth Dr. Keane's methodology, is attached hereto Exhibit A. Dr. Keane's report was received today by the undersigned attorney from Nancy Dimino prior attorneys.

7. The decedents' surviving wife and child have suffered tremendously as a result of the loss of their husband and father.

8. I have been retained by the *Dimino* Plaintiffs to pursue a complete recovery for their wrongful death damages arising out of the deaths of Stephen Dimino on September 11, 2001. I have verified via written documentation and interviews that these Plaintiffs were the only “immediate family members” living with their respective husbands/fathers at the time of their deaths, that these Plaintiffs are the only New Jersey State defined “heirs” of their decedent husbands/fathers, that these Plaintiffs did in fact survive the decedent and that they have not recovered fully for their economic damages previously. I have further confirmed that they do not have any prior judgment or pending motion before this Court for compensation arising out of the September 11th attacks.

9. Previously, in connection with a motion for final judgment on behalf of other *Ashton* claimants, this Court asked that to expedite issuance of final judgments, the claimants deferred decision as to the appropriate quantum of punitive damages and presented a proposed order with a rate of prejudgment interest of 4.96 per annum, compounded annually. *See* 03-md-1570 (S.D.N.Y.) (GBD)(SN), Doc. No. 3362, Entered 10/14/2016. The form of the proposed Orders submitted simultaneously herewith therefore conforms to the Court’s prior orders.

10. Accordingly, simultaneously filed herewith as Exhibit B are two “Proposed Order[s] of Partial Final Judgments Against Iran on Behalf of the *Dimino* Plaintiffs” conforming with the Court's previous orders. These Proposed Order(s) contain economic loss figures supplied by the expert report attached as Exhibits A, the *solatium* damages conscious pain and suffering

awards previously awarded to them, along with a request for an award of punitive or treble damages, and an award of prejudgment interest from September 11, 2001 to date.

11. Accordingly, I respectfully request that this Court grant one of the Proposed Order(s) submitted simultaneously herewith.

Dated: September 10, 2024
New York, New York

LAW OFFICE OF JOHN F. SCHUTTY, P.C.

By: /s/ John F. Schutty

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